

REMARKS

Claims 1 and 12-42 are in pending in the application.

Claims 2-11 are canceled.

Claim 1 has been amended to specify that the claimed liquid fabric softening composition is a stable composition.

New Claim 40 has been added based on the disclosure of Composition 7 of Table 2 at pages 60-61.

New Claim 41 has been added based on the disclosure at page 19, lines 13-32 and page 23, lines 25-28.

New Claim 42 has been added based on the disclosure of Compositions 1 and 2 of Table 4 at page 65.

Rejection under 35 U.S.C. § 103

Claims 1 and 12-39 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 97/03169 ("WO '169"). Applicants respectfully traverse this rejection. Claim 1 has now been amended to specify stable compositions that comprise from about 2% to about 80% of fabric softener, at least an effective amount of principal solvent to provide a clear or translucent composition, and from about 0.5% to about 10% of electrolyte. Although WO '169 discloses that the compositions taught therein may comprise electrolytes such as calcium and magnesium salts, WO '169 do not teach or suggest stable compositions that comprise from about 0.5% to about 10% of electrolyte. WO '169 discloses that its compositions may optionally contain water soluble calcium and/or magnesium compounds, such as chloride salts, but describes that the level of such compounds will be from 0% to about 2%, preferably from about 0.05% to about 0.5%, more preferably from about 0.1% to about 0.25%, to provide additional stability. See page 93, line 34 to page 94, line 2. In addition, a review of WO '169 finds that the highest level of electrolyte that is used any example is 0.25% (CaCl₂), which appears in Example III on page 112.

In contrast, the present invention relates to clear or translucent compositions that are stable and that comprise higher levels of electrolytes in combination with a broader range of principal solvents—e.g. those having a ClogP of from about -2.0 to about 2.6—to provide a clear or translucent composition. WO '169 does not teach or suggest that by elevating the level of electrolyte (e.g. to at least about 0.5%), one can use a broader range of principal solvent (e.g. having a ClogP of from about -2.0 to about 2.6) to provide a clear or translucent composition that is stable.

Furthermore, new Claim 40 specifies that the composition comprises a level of electrolyte of from about 2.2% to about 10%, by weight of the composition. WO '169 clearly does not teach or suggest compositions that comprise more than 2% of electrolyte.

New Claim 41 specifies that the composition comprises a principal solvent having a ClogP of from about -2.0 to less than 0.15 or from more than 0.64 to about 2.6. WO '169 discloses compositions containing principal solvents having a ClogP of from 0.15 to 0.64, but clearly do not teach or suggest compositions comprising a principal solvent having a ClogP outside that range as claimed in Claim 41.

With respect to Claim 42, this claim requires a level of principal solvent of less than about 14.65%. WO'169 does not teach or suggest clear or translucent, stable compositions comprising less than about 14.65% of principal solvent in combination with from about 0.5% to about 10% of electrolyte.

Applicants therefore submit that Claims 1 and 12-42 are unobvious and patentable over WO '169 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

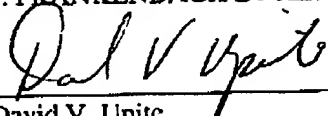
A Petition for Extension of Time and Fee Transmittal authorizing payment for such extension are enclosed herewith.

The Director is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Respectfully submitted,

G. M. FRANKENBACH ET AL.

By


David V. Upite
Attorney for Applicant(s)
Registration No. 47,147
(513) 627-8150

March 11, 2004

Customer Number: 27752